



MEMO ENDORSED

NATURAL RESOURCES DEFENSE COUNCIL

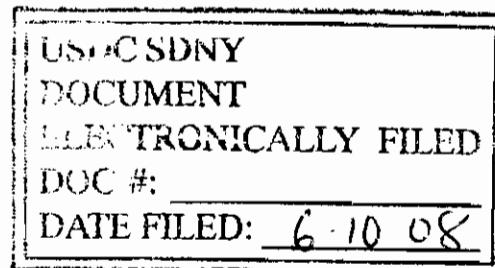
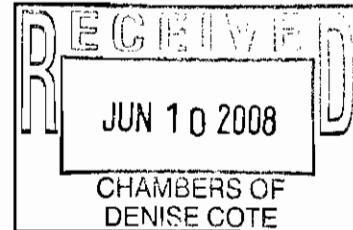
VIA FIRST-CLASS MAIL

June 3, 2008

The Hon. Denise L. Cote, U.S.D.J.
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl St., Room 1040
 New York, NY 10007

RE: NRDC v. EPA, No. 08 Civ. 2443 (DLC)

Dear Judge Cote:



I write on behalf of plaintiff Natural Resources Defense Council ("NRDC") in the above-captioned action under the Freedom of Information Act ("FOIA") regarding the Initial Pretrial Conference scheduled for June 20, 2008 at 9:00 a.m. Today, NRDC filed a motion for partial summary judgment, requesting that the Court grant NRDC a public interest fee waiver under FOIA. Defendant has indicated that, until this disputed fee issue is resolved, it will perform no further work searching or producing documents responsive to the NRDC FOIA request at issue in this case. Accordingly, NRDC respectfully requests that the status conference scheduled before the Court for that same date be taken off the calendar until as the motion for partial summary judgment is resolved. I have conferred with Defendants' counsel, who does not oppose this request.

In the event that the Court does not grant this request, I respectfully request that the Court reschedule the conference from June 20, 2008 to another date that is convenient for the Court. I am lead counsel for NRDC on this case, and on June 20 I will be in California attending to discovery in another matter. Defendants' counsel also does not oppose this alternative request.

Thank you for your consideration.

Sincerely,

Thomas Cmar

cc: Serrin Turner, AUSA

The conference is
 adjourned to July
 11 at 9:30 a.m.
 Denise Cote
 June 10, 2008